

**UNITED STATES BANKRUPTCY COURT FOR THE  
EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE:**

**ABC CAPITAL INVESTMENT, LLC,**

**Debtor.**

**CHAPTER 7**

**CASE NO. 22-13060-AMC**

**STIPULATION AND AGREEMENT OF GARY SEITZ AS CHAPTER 7 TRUSTEE,  
JASON WALSH, AMIR VANA AND YARON ZER, TO CONDUCT EXAMINATION**

Gary F. Seitz, Esquire, Chapter 7 Trustee (“Trustee”) of ABC Capital Investment, LLC (“Debtor”) and the Debtor’s three principals Jason Walsh, Amir Vana and Yaron Zer, pursuant to Fed. R. Bankr. P. 2004, 9012, 9016, 9029 and 9030, hereby stipulate and agree as follows:

1. On November 15, 2022, a Voluntary Petition under Chapter 7 of Title 11 of the Bankruptcy Code was filed by ABC Capital Investment, LLC (the “Debtor”).
2. On November 15, 2022, Gary F. Seitz was appointed interim trustee.
3. The Creditors’ Meeting under Section 341 of the Bankruptcy Code was scheduled but not held on December 15, 2022 and January 12, 2023 due to the nonappearance of the Debtor.
4. The Meeting was rescheduled for January 19, 2023. The Debtor’s representative, Jason Walsh, appeared to testify on the Debtor’s behalf.
5. On March 23, 2023 an order compelling the turnover of certain records and information (“Order1”) was entered by the Bankruptcy Court and served on counsel for the Debtor and a copy was mailed to the addresses provided for the Debtor’s three principals.
6. On May 19, 2023 the Bankruptcy Court entered an order (“Order2”) finding Jason Walsh, Amir Vana, and Yaron Zer in Contempt of Court.
7. Jason Walsh, Amir Vana, and Yaron Zer (each a “Witness” collectively “Witnesses”) wish to purge their contempt.

8. The Trustee wishes to provide Jason Walsh, Amir Vana, and Yaron Zer an opportunity to obey the court's orders but in order to do so needs the sworn testimony of Jason Walsh, Amir Vana, and Yaron Zer regarding the facts and circumstances surrounding the motions and papers filed and orders entered in this case.

9. Under the applicable rules, the parties may stipulate that "a deposition may be taken before any person, at any time or place, on any notice, and in the manner specified—in which event it may be used in the same way as any other deposition; and [] other procedures governing or limiting discovery be modified".

10. Accordingly, Jason Walsh, Amir Vana, and Yaron Zer each hereby consent to examination under oath pursuant to Fed. R. Bankr. P. 2004, 9012, 9016, 9029 and 9030 by the Trustee and any other party in interest, at mutually convenient dates and times and stipulate and agree as to the process as follows:

- a. The Witness consents to the examination and waives the requirement of a court order or formal service of a subpoena.
- b. The testimony may be conducted remotely and recorded through Zoom and the remote testimony will be deemed to have been taken before an appropriate officer despite the Trustee and others not being in the same physical location as the Witness.
- c. The Witness may be sworn in remotely with the same effect as an oath administered in person.
- d. The Witness consents to permit the Trustee to administer the oath and conduct an examination.

- e. The Witness' testimony may be recorded by sound or sound and visual means or through Zoom. The audio video recording shall constitute the official record of the testimony.
- f. Any Witness may arrange for a transcription to be made from the audio video recording taken by nonstenographic means at their own expense.
- g. The Witness waives the right to object to the testimony based solely on the fact that it was taken and recorded remotely.
- h. Despite the fact that this testimony is being conducted remotely, the appropriate state or federal rules relating to objections during testimony or depositions, including waiver of objections not promptly made on the record, still apply.
- i. The Witness agrees that while on the record, the Witness will power down all devices not being used for the deposition.
- j. The Witness agrees that during the deposition:
  - i. he will not communicate in any way with anyone not on the record,
  - ii. he will not email, chat online, or text,
  - iii. if anyone attempts to communicate with the him, he will immediately notify all parties,
  - iv. to the extent possible, the witness will not read any communication that anyone attempts to send to him.
- k. The Witness confirms that nobody else will be present in the room and agrees that if anyone enters the room, the Witness will notify all participants immediately.

1. Participants will connect to the Zoom video platform at least 20 minutes prior to the scheduled time for the deposition with a webcam equipped laptop, desktop or mobile device and an internet connection.

Dated: 08/18/2023

Jason Walsh

Jason Walsh

Dated: 08/18/2023

Amir Vana

Amir Vana

Dated: 08/18/2023

Yaron Zer

Yaron Zer

Dated: \_\_\_\_\_

/s/ Paul S. Peters III, Esq.

Counsel for the witnesses

Dated: July 19, 2023

/S/ Gary F. Seitz

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GARY F. SEITZ  
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